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SECRETARY, COUNTY COUNCIL FOR  
MONTGOMERY COUNTY, MARYLAND

Bill No.: 19-86  
Concerning: County Employee  
Collective Bargaining  
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Ch. \_\_\_\_\_, Laws of Mont. Co., FY \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Personnel Committee

AN ACT TO:

- (1) establish a framework for public employer-employee labor relations;
- (2) provide the method for designating an employee organization as the exclusive representative of public employees in the appropriate unit;
- (3) provide procedures for collective bargaining of wages, hours, and other terms and conditions of employment;
- (4) provide for the appointment of a labor relations administrator;
- (5) define the rights of employees, employee organizations, and the public employer;
- (6) prohibit certain conduct;
- (7) provide procedures for resolving differences between the public employer and employees;
- (8) generally assure uninterrupted operation of government services; and
- (9) generally provide for the establishment of County employee collective bargaining.

By amending  
Chapter 33, Personnel  
Section 33-11(b) of the Montgomery County Code

By adding

Chapter 33, Personnel

Sections 33-63A and 33-74(d), and Article VII of the  
Montgomery County Code

- EXPLANATION:
- **Boldface** indicates matter that is a heading or a defined term.
  - Underlining indicates matter added to existing law.
  - [[Double Brackets]] indicate matter repealed from existing law.
  - **CAPITALS** indicate matter quoted from existing law which is added to the bill by amendment.
  - UNDERLINED CAPITALS indicate matter added to existing law by amendment to the bill.
  - ~~Strikes~~ indicate matter deleted from the bill by amendment.
  - \* \* \* indicates existing law unaffected by the bill.

The County Council for Montgomery County, Maryland, approves the following act:

01           Sec. 1. Section 33-11(b) is amended to read as follows:

02           33-11. Classification; salary and wage plans.

03           (b) Uniform salary plan. [[There is hereby established for all  
04           classes of positions in the merit system a uniform salary plan entitled the  
05           "general salary schedule" which shall contain grades, salary rates and ranges  
06           for each grade. All classes of positions shall be assigned an appropriate  
07           grade under the general salary schedule by the chief administrative officer.  
08           All positions involving comparable duties, experience, responsibilities and  
09           authority shall be paid comparable salaries in accordance with the relative  
10           value of the services performed. In establishing salary rates, consideration  
11           shall be given to experience, prevailing salary rates for comparable services  
12           in both the public and private sectors, living costs, and fringe and other  
13           benefits received by the employee under the merit system. The chief  
14           administrative officer shall, subject to the approval of the county council,  
15           promulgate and from time to time amend the general salary schedule,  
16           compensation policies for overtime, pay differential and other appropriate  
17           salary and wage benefits.]]

18           (1) Subject to approval by the County Council, the Chief  
19           Administrative Officer must issue and periodically amend a  
20           uniform salary plan known as the "general salary schedule" for  
21           all classes of positions in the merit system.

22           (2) The general salary schedule must contain grades, salary rates,  
23           and salary ranges for each grade.

24           (3) The Chief Administrative Officer must assign an appropriate  
25           grade under the general salary schedule to all classes of  
26           positions.

27           (4) All positions involving comparable duties, experience,

01                    responsibilities, and authority must be paid comparable salaries  
02                    in accordance with the relative value of the services performed.

03                    (5) In setting salary rates, the Chief Administrative Officer must  
04                    consider experience, prevailing salary rates for comparable  
05                    services in both the public and private sectors, living costs,  
06                    and fringe and other benefits received by the employee under the  
07                    merit system.

08                    (6) Subject to approval by the County Council, the Chief  
09                    Administrative Officer must also issue and periodically amend  
10                    compensation policies for overtime, pay differentials, and other  
11                    appropriate salary and wage benefits.

12                    (7) Any plan, policy, or schedule issued by the Chief Administrative  
13                    Officer under this subsection is subject to the limitations in  
14                    Articles V and VII of this chapter regarding County police  
15                    department and government employees who are represented by a  
16                    certified employee organization.

17  
18                    Sec. 2. Sections 33-63A and 33-74(d) and Article VII of Chapter 33 are  
19                    added as follows:

20                    33-63A. Applicability.

21                    Upon certification that the employees in the units are represented for  
22                    collective bargaining, this article shall not apply to any person.

23                    33-74. Cost-of-living adjustment.

24                    (d) This section is automatically repealed upon certification that the  
25                    employees in the units are represented for the purpose of collective  
26                    bargaining under Article VII of this chapter.

Article VII. County Collective Bargaining.

33-101. Declaration of policy.

It is the public policy of Montgomery County to promote a harmonious, peaceful, and cooperative relationship between the County government and its employees and to protect the public by assuring, at all times, the responsive, orderly, and efficient operation of County government and services. Since unresolved disputes in public service are harmful to the public and to employees, adequate means should be available for preventing disputes and for resolving them when they occur. To that end, it is in the public interest that employees have the opportunity to bargain collectively over wages, hours, and other terms and conditions of employment, as authorized by Charter Section 511, through a representative of their choice, or to refrain from collective bargaining. It is also in the public interest that the County government and a representative of County employees bargain collectively in good faith without interference with the orderly process of government and that they implement any agreements reached through collective bargaining.

The County Council also recognizes that employee organizations and the County government each possess substantial means for initiating actions on wages, hours, and working conditions of employees. Therefore, in order to preserve an appropriate balance between labor and management in the public service, the County Council states that once the employees voluntarily select a representative, collective bargaining shall be used in place of, and not in addition to, existing means for initiating governmental action on subjects that are defined as appropriate for collective bargaining in this article.

33-102. Definitions.

The following terms have the meaning indicated when used in this article:

(1) "Agency shop" means a provision in a collective bargaining

01 agreement requiring, as a condition of continued employment, that  
02 bargaining unit employees pay a service fee not greater than the  
03 monthly membership dues uniformly and regularly required by the  
04 employee organization of all of its members. An agency shop  
05 agreement shall not require an employee to pay initiation fees,  
06 assessments, fines, or any other collections or their equivalent as a  
07 condition of continued employment. A collective bargaining agreement  
08 shall not require payment of a service fee by any employee who  
09 opposes joining or financially supporting an employee organization on  
10 religious grounds. However, the agreement may require that employee  
11 to pay an amount equal to the service fee to a nonreligious, nonunion  
12 charity, or to any other charitable organization, agreed to by the  
13 employee and the certified representative, and to give to the  
14 employer and the certified representative written proof of this  
15 payment.

16 (2) "Certified representative" means an employee organization chosen to  
17 represent one or both units in accordance with the procedures of this  
18 article.

19 (3) "Collective bargaining" means meeting at reasonable times and  
20 places and negotiating in good faith on appropriate subjects as  
21 defined under this article. This article shall not be interpreted to  
22 compel either party to agree to a proposal or make a concession.

23 (4) "Employee" means any person who works under the County government  
24 merit system on a continuous full-time, career or part-time, career  
25 basis, except for the following:

26 (A) Confidential aides to elected officials.

27 (B) All persons who are not covered by the County government merit

01                    system.

02                    (C) Heads of principal departments, offices, and agencies.

03                    (D) Deputies and assistants to heads of principal departments,

04                    offices, and agencies.

05                    (E) Persons who provide direct staff or administrative support to

06                    the head of a principal department, office, or agency, or to a

07                    deputy or assistant within the immediate office of a head of a

08                    principal department, office, or agency.

09                    (F) Persons who report directly to or whose immediate supervisor is

10                    the County Executive or the Chief Administrative Officer or

11                    their principal aides.

12                    (G) Persons who work for the office of the County Executive and the

13                    office of the Chief Administrative Officer.

14                    (H) Persons who work for the County Council.

15                    (I) Persons who work for the office of the County Attorney.

16                    (J) Persons who work for the Office of Management and Budget.

17                    (K) Persons who work for the Personnel Office.

18                    (L) Persons who work for the Merit System Protection Board.

19                    (M) Persons who work on a temporary, seasonal, or substitute basis.

20                    (N) Newly hired persons on probationary status.

21                    (O) Persons who work for the police department who are represented

22                    by a certified employee organization under Article V of this

23                    chapter.

24                    (P) Officers in the uniformed services (corrections, fire and

25                    rescue, police, office of the sheriff) in the rank of sergeant

26                    and above. Subject to any limitations in State law, deputy

27                    sheriffs below the rank of sergeant are employees.

01  
02 (Q) Persons who are members of the State merit system.

03  
04 (R) Supervisors, which means persons having authority to do any of the following:

05 (i) Hire, assign, transfer, lay off, recall, promote, evaluate,  
06 reward, discipline, suspend, or discharge employees, or  
07 effectively to recommend any one of these actions.

08 (ii) Direct the activity of three or more employees.

09 (iii) Adjust or recommend adjustment of grievances.

10 (S) Persons in grade 27 or above, whether or not they are  
11 supervisors.

12 (5) "Employee organization" means any organization that admits  
13 employees to membership and that has as a primary purpose the  
14 representation of employees in collective bargaining.

15 (6) "Employer" means the County Executive and his or her designees.

16 (7) "Lockout" means any action that the employer takes to interrupt or  
17 prevent the continuity of work properly and usually performed by the  
18 employees for the purpose and with the intent of either coercing the  
19 employees into relinquishing rights guaranteed by this article or of  
20 bringing economic pressure on employees for the purpose of securing  
21 the agreement of their certified representative to certain collective  
22 bargaining terms.

23 (8) "Mediation" means an effort by the mediator/fact-finder chosen  
24 under this article to assist confidentially in resolving, through  
25 interpretation, suggestion, and advice, a dispute arising out of  
26 collective bargaining between the employer and the certified  
27 representative.



01       (9) "Strike" means a concerted failure to report for duty, absence,  
02       stoppage of work, or abstinence in whole or in part from the full and  
03       faithful performance of the duties of employment with the employer,  
04       or deviation from normal or proper work duties or activities, where  
05       any of the preceding are done in a concerted manner for the purpose  
06       of inducing, influencing, or coercing the employer in the  
07       determination, implementation, interpretation, or administration of  
08       terms or conditions of employment or of the rights, privileges, or  
09       obligations of employment or of the status, recognition, or authority  
10       of the employee or an employee organization.

11       (10) "Unit" means either of the units defined in section 33-105.

12       (11) When either the female or the male pronoun appears herein, it is to  
13       be read to include both genders.

14       33-103. Labor Relations Administrator.

15       (a) There is established the position of Labor Relations Administrator,  
16       to provide for the effective implementation and administration of  
17       this article concerning selection, certification and decertification  
18       procedures, prohibited practices, and the choice of a  
19       mediator/fact-finder. The Labor Relations Administrator shall  
20       exercise the following powers and perform the following duties and  
21       functions:

22       (1) Periodically adopt, amend, and rescind, under method (1) of  
23       section 2A-15 of this Code, regulations and procedures for the  
24       implementation and administration of the duties of the Labor  
25       Relations Administrator under this article.

26       (2) Request from the employer or an employee organization, and the  
27       employer or such organization may at its discretion provide, any

- 01 relevant assistance, service, and aid that will enable her  
02 properly to carry out her duties under this article.
- 03 (3) Hold hearings and make inquiries, administer oaths and  
04 affirmations, examine witnesses and documents, take testimony  
05 and receive evidence, and compel by issuance of subpoenas the  
06 attendance of witnesses and the production of relevant documents.
- 07 (4) Hold and conduct elections for certification or decertification  
08 pursuant to the provisions of this article and issue the  
09 certification or decertification.
- 10 (5) Investigate and attempt to resolve or settle, as provided in  
11 this article, charges of engaging in prohibited practices.  
12 However, if the employer and a certified representative have  
13 negotiated a valid grievance procedure, the Labor Relations  
14 Administrator shall defer to that procedure for the resolution  
15 of disputes properly submissible to the procedure absent a  
16 showing that the deferral results in the application of  
17 principles repugnant to this article. Furthermore, the Labor  
18 Relations Administrator shall defer to State procedures in those  
19 matters which are governed by the Law-Enforcement Officers' Bill  
20 of Rights, Article 27, Sections 727-734D, Annotated Code of  
21 Maryland.
- 22 (6) Determine unresolved issues of a person's inclusion in or  
23 exclusion from the units.
- 24 (7) Obtain any necessary support services and make necessary  
25 expenditures in the performance of duties to the extent provided  
26 for these purposes in the annual budget of Montgomery County.
- 27 (8) Exercise any other powers and perform any other duties and

functions as may be specified in this article.

(b) (1) The Labor Relations Administrator must be a person with experience as a neutral in the field of labor relations and must not be a person who, on account of vocation, employment, or affiliation, can be classed as a representative of the interest of the employer or any employee organization.

(2) The first Labor Relations Administrator is appointed by the County Executive, with the confirmation of the County Council, serves for a term of 4 years; and is eligible for reappointment.

(3) After the initial term of office of the Labor Relations Administrator provided in subsection (b)(2), the County Executive shall thereafter appoint the Labor Relations Administrator for a term of 5 years from a list of 5 nominees agreed upon by any certified employee representative(s) and the Chief Administrative Officer, which list may include the incumbent Labor Relations Administrator. Such appointment must be confirmed by the County Council. If the County Council does not confirm the appointment, the new appointment shall be from a new agreed list of 5 nominees. Should there be no certified representative, the Labor Relations Administrator shall be appointed under the procedure and for the term set forth in subsection (b)(2).

(c) The Labor Relations Administrator will be paid a daily fee as set forth by contract with the County, and will be reimbursed for necessary expenses.

**33-104. Employee rights.**

(a) Employees have the right to:

01           (1) fo , join, support, contribute to , r participate in, or to  
02           refrain from forming, joining, supporting, contributing to, or  
03           participating in, any employee organization or its lawful  
04           activities; and

05           (2) be represented fairly by their certified representative, if any.

06       (b) The employer has the duty to extend to the certified representative  
07       the exclusive right to represent the employees for the purposes of  
08       collective bargaining, including the orderly processing and  
09       settlement of grievances as agreed by the parties in accordance with  
10       this article.

11       (c) A certified representative serves as the bargaining agent for all  
12       employees in the unit for which it is certified and has the duty to  
13       represent fairly and without discrimination all employees in the unit  
14       without regard to whether the employees are members of the employee  
15       organization, pay dues or other contributions to it, or participate  
16       in its affairs. However, it is not a violation of this duty for a  
17       certified representative to seek enforcement of an agency shop  
18       provision in a valid collective bargaining agreement.

19       (d) The right of a certified representative to receive voluntary dues or  
20       service fee deductions or agency shop provisions shall be determined  
21       through negotiations, unless the authority to negotiate these  
22       provisions has been suspended under this article. A collective  
23       bargaining agreement may not include a provision requiring membership  
24       in, participation in the affairs of, or contributions to an employee  
25       organization other than an agency shop provision.

26       33-105. Units for collective bargaining.

27       (a) There are two units for collective bargaining and for purposes of

certification and decertification. Persons in these units are all  
County government merit system employees working on a continuous  
full-time, career or part-time, career basis, excluding the  
categories listed as exceptions to the definition of employee in  
section 33-102(4) of this article. The employees are divided into 2  
units in accordance with the following descriptions:

(1) Service, labor, and trades (SLT) unit. This unit is composed  
of all eligible classes that are associated with service/  
maintenance and skilled crafts. This means job classes in which  
workers perform duties that result in or contribute to the  
comfort and convenience of the general public or that contribute  
to the upkeep and care of buildings, facilities, or grounds of  
public property. Workers in this group may operate specialized  
machinery or heavy equipment. These job classes may also  
require special manual skill and a thorough and comprehensive  
knowledge of the processes involved in the work that is acquired  
through on the job training and experience or through  
apprenticeship or other formal training programs.

(2) Office, professional, and technical (OPT) unit. This unit is  
composed of all eligible classes associated with office,  
professional, paraprofessional, and technical functions.

(A) Office. Job classes in which workers are responsible for  
internal and external communication, recording and  
retrieval of data and/or information, and other paperwork  
required in an office.

(B) Professional. Job classes that require special and  
theoretical knowledge that is usually acquired through

01 college training or through work experience and other  
02 training that provides comparable knowledge.

03 (C) Paraprofessional. Job classes in which workers perform,  
04 in a supportive role, some of the duties of a professional  
05 or technician. These duties usually require less formal  
06 training and/or experience than is normally required for  
07 professional or technical status.

08 (D) Technical. Job classes that require a combination of  
09 basic scientific or technical knowledge and manual skill  
10 that can be obtained through specialized post secondary  
11 school education or through equivalent on the job training.

12 (b) Specific job classes included in these units of representation, and  
13 not otherwise excluded under section 33-102(4), shall be based on the  
14 designations made by the Chief Administrative Officer under the prior  
15 meet and confer process. In the event a new classification is  
16 created by the County, or an existing classification's duties and  
17 responsibilities are substantially changed, the County Personnel  
18 Director must place the classification in one of the units or state  
19 that the classification falls within one of the exceptions to the  
20 definition of employee under this article within 60 days of the  
21 creation or substantial alteration of the class and must publish the  
22 decision in the Montgomery County Register. Any individual or  
23 certified representative disagreeing with the decision of the  
24 Personnel Director may, within 10 days of publication, file  
25 objections to the decision with the Labor Relations Administrator,  
26 with notice to the Personnel Director.

27 The Labor Relations Administrator shall promptly decide the

01 question on the basis of the duties and responsibilities of the job  
02 classification, the unit definition, and the community of interests  
03 between and among employees in the job classification and collective  
04 bargaining unit.

05 33-106. Selection, certification, and decertification procedures.

06 (a) The certification or decertification of an employee organization as  
07 the representative of a unit for the purpose of collective bargaining  
08 shall be initiated in accordance with the following procedures:

09 (1) Any employee organization seeking certification as  
10 representative of a unit shall file a petition with the Labor  
11 Relations Administrator stating its name, address, and its  
12 desire to be certified. The employee organization shall also  
13 send a copy of the petition, not including the names of the  
14 supporting employees, to the employer. The petition shall  
15 contain the uncoerced signatures of 30 percent of the employees  
16 within the unit signifying their desire to be represented by the  
17 employee organization for purposes of collective bargaining.

18 (2) If an employee organization has been certified, an employee  
19 within the unit may file a petition with the Labor Relations  
20 Administrator for decertification of this certified  
21 representative. The employee shall also send a copy of the  
22 petition to the employer and the certified representative, not  
23 including the names of the supporting employees. The petition  
24 shall contain the uncoerced signatures of 30 percent of the  
25 employees within the unit alleging that the employee  
26 organization presently certified is no longer the choice of the  
27 majority of the employees in the unit.

01           (3) Petitions may be filed within 30 days following the date on  
02           which this article becomes effective. Thereafter, if a lawful  
03           collective bargaining agreement is not in effect, petitions may  
04           be filed between September 1 and September 30 of any year, but  
05           not sooner than 22 months after an election held under this  
06           section.

07           (4) If a lawful collective bargaining agreement is in effect; a  
08           petition filed under this section shall not be entertained  
09           unless it is filed during September of the final year of the  
10           agreement.

11           (b) If the Labor Relations Administrator determines that a petition is  
12           properly supported and timely filed, she shall cause an election of  
13           all eligible employees to be held within a reasonable time, but no  
14           later than October 20 of any year, to determine if and by whom the  
15           employees wish to be represented, as follows:

16           (1) All elections shall be conducted under the supervision of the  
17           Labor Relations Administrator and shall be conducted by secret  
18           ballot at the time and place that she directs. The Labor  
19           Relations Administrator may select and retain the services of an  
20           agency of the State of Maryland, or a similarly neutral body, to  
21           assist in conducting the election.

22           (2) The election ballots shall contain, as choices to be made by the  
23           voter, the names of the petitioning or certified employee  
24           organization, the name or names of any other employee  
25           organization showing written proof at least 10 days before the  
26           election of at least 10 percent representation of the employees  
27           within the unit, and a choice that the employee does not desire



- 01 to be represented by any of the named employee organizations.
- 02 (3) The employer and each party to the election may be represented  
03 by observers selected in accordance with limitations and  
04 conditions that the Labor Relations Administrator may prescribe.
- 05 (4) Observers may challenge for good cause the eligibility of any  
06 person to vote in the election. Challenged ballots shall be  
07 impounded pending either agreement of the parties as to the  
08 validity of the challenge or the Labor Relations Administrator's  
09 decision as to the validity of the challenge, unless the number  
10 of challenges is not determinative, in which case the challenged  
11 ballots shall be destroyed.
- 12 (5) After the polls have been closed, the valid ballots cast shall  
13 be counted by the Labor Relations Administrator in the presence  
14 of the observers.
- 15 (6) The Labor Relations Administrator shall immediately prepare and  
16 serve upon the employer and each of the parties a report  
17 certifying the results of the election. If an employee  
18 organization receives the votes of a majority of the employees  
19 who voted, the Labor Relations Administrator shall certify the  
20 employee organization so elected as the exclusive agent.
- 21 (7) If no employee organization receives the votes of a majority of  
22 the employees who voted, the Labor Relations Administrator shall  
23 not certify a representative. Unless a majority of the  
24 employees who vote choose "no representative", a runoff election  
25 shall be conducted. The runoff election shall contain the 2  
26 choices that received the largest and second largest number of  
27 votes in the original election.

01        (c) The Labor Relations Administrator's certification of results is final  
02        unless within 7 days after service of the report and the  
03        certification, any party serves on all other parties and files with  
04        the Labor Relations Administrator objections to the election.  
05        Objections shall be verified and shall contain a concise statement of  
06        facts constituting the grounds for the objections. The Labor  
07        Relations Administrator shall investigate the objections and, if  
08        substantial factual issues exist, shall hold a hearing. Otherwise,  
09        she may determine the matter without a hearing. The Labor Relations  
10        Administrator may invite, either by rule or by invitation, written or  
11        oral argument to assist her in determining the merits of the  
12        objections. If the Labor Relations Administrator finds that the  
13        election was conducted in substantial conformity with this article,  
14        she shall confirm the certification initially issued. If the Labor  
15        Relations Administrator finds that the election was not held in  
16        substantial conformity with this article, then she shall hold another  
17        election under this section.  
18        (d) The cost of conducting an election shall be paid by the County.  
19        (e) If, during the 30 days following the effective date of this article,  
20        a petition is filed by the incumbent representative of unit employees  
21        certified under Article IV of this chapter, and no other employee  
22        organization files a valid petition, and no petition calling for an  
23        election signed by 10 percent of unit employees has been filed with  
24        the Labor Relations Administrator, the incumbent certified  
25        representative shall be certified without an election, provided it  
26        produces evidence, acceptable to the Labor Relations Administrator  
27        and dated after the enactment of this article, that a majority of the

01 employees in the unit desire to be represented by the incumbent  
02 representative for the purposes of collective bargaining under the  
03 provisions of this article.

04 33-107. Collective bargaining.

05 (a) Duty to bargain; matters subject to bargaining.

06 Upon certification of an employee organization, the employer and the  
07 certified representative have the duty to bargain collectively with respect to  
08 the following subjects:

09 (1) Salary and wages, including the increase and/or decrease in the  
10 salary and wages budget, and the percentage of any increase in  
11 the salary and wages budget that will be devoted to merit  
12 increments and cash awards, provided that salaries and wages  
13 shall be uniform for all employees in the same classification.

14 (2) With respect to pension and retirement benefits, only defined-  
15 contribution plans for new employees or current employees who  
16 choose to transfer from a defined-benefit plan, provided that  
17 bargaining rights regarding such plans will not accrue unless  
18 and until the County has enacted a law establishing such plans.

19 (3) Employee benefits such as insurance, leave, holidays, and  
20 vacations, but not including pension and retirement benefits  
21 except to the extent stated in subsection (a)(2).

22 (4) Hours and working conditions.

23 (5) Provisions for the orderly processing and settlement of  
24 grievances concerning the interpretation and implementation of a  
25 collective bargaining agreement, which may include:

26 (A) binding third party arbitration, provided that the  
27 arbitrator shall have no authority to amend, add to, or  
28 subtract from the provisions of the collective bargaining

01                                    agreement; and

02                                    (B) provisions for exclusivity of forum.

03                                    (6) Matters affecting the health and safety of employees.

04                                    (7) Amelioration of the effect on employees when the exercise of

05                                    employer rights listed in subsection (b) causes a loss of

06                                    existing jobs in the unit.

07                                    (b) Employer rights.

08                                    This article and any agreement made under it shall not impair

09                                    the right and responsibility of the employer to perform the following:

10                                    (1) Determine the overall budget and mission of the employer and any

11                                    agency of County government.

12                                    (2) Maintain and improve the efficiency and effectiveness of

13                                    operations.

14                                    (3) Determine the services to be rendered and the operations to be

15                                    performed.

16                                    (4) Determine the overall organizational structure, methods,

17                                    processes, means, job classifications, and personnel by which

18                                    operations are to be conducted and the location of facilities.

19                                    (5) Direct and supervise employees.

20                                    (6) Hire, select, and establish the standards governing promotion of

21                                    employees, and classify positions.

22                                    (7) Relieve employees from duties because of lack of work or funds,

23                                    or under conditions when the employer determines continued work

24                                    would be inefficient or nonproductive.

25                                    (8) Take actions to carry out the mission of government in

26                                    situations of emergency.

27                                    (9) Transfer, assign, and schedule employees.

- 01           (10) Determine the size, grades, and composition of the work force.
- 02           (11) Set the standards of productivity and technology.
- 03           (12) Establish employee performance standards and evaluate employees,
- 04           except that evaluation procedures shall be a subject for
- 05           bargaining.
- 06           (13) Make and implement systems for awarding outstanding service
- 07           increments, extraordinary performance awards, and other merit
- 08           awards.
- 09           (14) Introduce new or improved technology, research, development, and
- 10           services.
- 11           (15) Control and regulate the use of machinery, equipment, and other
- 12           property and facilities of the employer, subject to subsection
- 13           (a)(6) of this section.
- 14           (16) Maintain internal security standards.
- 15           (17) Create, alter, combine, contract out, or abolish any job
- 16           classification, department, operation, unit, or other division
- 17           or service, provided that no contracting of work which will
- 18           displace employees may be undertaken by the employer unless 90
- 19           days prior to signing the contract written notice has been given
- 20           to the certified representative.
- 21           (18) Suspend, discharge, or otherwise discipline employees for cause,
- 22           except that, subject to Charter section 404, any such action may
- 23           be subject to the grievance procedure set forth in the
- 24           collective bargaining agreement.
- 25           (19) Issue and enforce rules, policies, and regulations necessary to
- 26           carry out these and all other managerial functions which are not
- 27           inconsistent with this law, Federal or State law, or the terms

01 of the collective bargaining agreement.

02 (c) Exemption.

03 This article shall not be construed to limit the discretion of  
04 the employer voluntarily to discuss with the representatives of its  
05 employees any matter concerning the employer's exercise of any of the  
06 rights set forth in this section. However, these matters shall not  
07 be subject to bargaining.

08 (d) The public employer rights set forth in this section are to be  
09 considered a part of every agreement reached between the employer and  
10 an employee organization.

11 33-108. Bargaining, impasse, fact-finding, and legislative procedures.

12 (a) Collective bargaining shall begin no later than November 1 before the  
13 beginning of a fiscal year for which there is no agreement between  
14 the employer and the certified representative and shall be finished  
15 on or before January 15. The resolution of a bargaining impasse or  
16 fact-finding shall be finished by February 1.

17 (b) Any provision for automatic renewal or extension of a collective  
18 bargaining agreement is void. An agreement is not valid if it  
19 extends for less than one year or for more than 3 years. All  
20 agreements become effective July 1 and end June 30.

21 (c) A collective bargaining agreement becomes effective only after  
22 ratification by the employer and by the certified representative.  
23 The certified representative may provide its own rules for  
24 ratification procedures.

25 (d) Before November 10 of any year in which the employer and the  
26 certified representative bargain collectively, the Labor Relations  
27 Administrator shall appoint a mediator/fact-finder, who may be a

01 person recommended to her by both parties. The mediator/fact-finder  
02 shall be available during the period from January 2 to February 1.  
03 Fees and expenses of the mediator/fact-finder shall be shared equally  
04 by the employer and the certified representative.

- 05 (e) (1) During the course of collective bargaining, either party may  
06 declare an impasse and request the services of the  
07 mediator/fact-finder, or the parties may jointly request his  
08 services before declaration of an impasse. If the parties do  
09 not reach an agreement by January 15, an impasse exists.
- 10 (2) The dispute shall be submitted to the mediator/fact-finder  
11 whenever an impasse has been reached, or before that as provided  
12 in subsection (e)(1). The mediator/fact-finder shall engage in  
13 mediation by bringing the parties together voluntarily under  
14 such favorable circumstances as will tend to bring about the  
15 settlement of the dispute.
- 16 (3) If and when the mediator/fact-finder finds in his sole  
17 discretion that the parties are at a bona fide impasse, he shall  
18 implement the following fact-finding process:
- 19 (A) He shall require the parties to submit jointly a  
20 memorandum of all items previously agreed upon, and  
21 separate memoranda of their proposals on all items not  
22 previously agreed upon.
- 23 (B) He may require the parties to submit evidence or make  
24 oral or written argument in support of their proposals.  
25 He may hold a hearing for this purpose at a time, date,  
26 and place selected by him. This hearing shall not be  
27 open to the public.

- (C) On or before February 1, the mediator/fact-finder shall  
issue a report of his findings of fact and  
recommendations on those matters still in dispute between  
the parties. The report shall be submitted to the  
parties but shall not be made public at this time.
- (D) In making findings of fact and recommendations, the  
mediator/fact-finder may take into account only the  
following factors:
- (i) Past collective bargaining agreements between the  
parties, including the past bargaining history that  
led to the agreements, or the pre-collective  
bargaining history of employee wages, hours,  
benefits, and working conditions.
- (ii) Comparison of wages, hours, benefits, and  
conditions of employment of similar employees of  
other public employers in the Washington  
Metropolitan Area and in Maryland.
- (iii) Comparison of wages, hours, benefits, and  
conditions of employment of other Montgomery County  
personnel.
- (iv) Wages, benefits, hours, and other working  
conditions of similar employees of private  
employers in Montgomery County.
- (v) The interest and welfare of the public.
- (vi) The ability of the employer to finance economic  
adjustments and the effect of the adjustments upon  
the normal standard of public services provided by



the employer.

(f) After receiving the report of the mediator/fact-finder, the parties shall meet again to bargain. If 10 days after the parties receive the report they have not reached full agreement, or if either party does not accept, in whole or in part, the recommendations of the mediator/fact-finder, the report of the mediator/fact-finder shall be made public by sending it to the Council. The mediator/fact-finder shall also send the Council the joint memorandum of items agreed upon, up-dated with any items later agreed upon. The parties shall also send to the Council separate memoranda stating their positions on matters still in dispute.

(g) The budget that the employer submits to the Council shall include the items that have been agreed to, as well as the employer's position on matters still in dispute. Any agreed term or condition submitted to the Council that requires an appropriation of funds or the enactment, repeal, or modification of any County law or regulation shall be identified to the Council by the employer. The employer shall make a good faith effort to have any term or condition that has been agreed to implemented by Council action.

(h) The Council may hold a public hearing to enable the parties and the public to testify on the agreement and the recommendations for resolving bargaining disputes.

(i) On or before April 15, the Council shall indicate by a majority vote its intention to appropriate or otherwise implement the items that have been agreed to, or its intention not to do so, and shall state its reasons for any intent to reject any part of the items that have been agreed to. The Council shall also indicate by a majority vote

01 its pos on on disputed matters.

02 (j) Then the Council shall designate a representative to meet with the  
03 parties and present the Council's views in the parties' further  
04 negotiations on disputed matters and/or agreed matters that the  
05 Council has indicated its intention to reject. The results of the  
06 negotiation, whether a complete or a partial agreement, shall be  
07 submitted to the Council on or before May 1. The Council may extend  
08 this deadline for no more than one week. Any agreement shall provide  
09 for automatic reduction or elimination of wage and/or benefits  
10 adjustments if:

11 (1) the Council does not take action necessary to implement the  
12 agreement, or a part of it;

13 (2) funds are not appropriated; or

14 (3) lesser amounts than those stated in the agreement are  
15 appropriated.

16 (k) The Council shall take whatever actions it considers required by the  
17 public interest with respect to matters still in dispute between the  
18 parties. However, those actions shall not be part of the agreement  
19 between the parties unless the parties specifically incorporate them  
20 in the agreement.

21 33-109. Prohibited practices.

22 (a) The employer or its agents or representatives are prohibited from any  
23 of the following:

24 (1) Interfering with, restraining, or coercing employees in the  
25 exercise of any rights granted to them under this article.

26 (2) Dominating or interfering with the formation or administration  
27 of any employee organization or contributing financial or other

- 01 support to it, under an agreement or otherwise. However, the  
02 employer and a certified representative may agree to and apply  
03 an agency shop provision under this article and a voluntary dues  
04 or service fee deduction provision, and may agree to reasonable  
05 use of County facilities for communicating with employees.
- 06 (3) Encouraging or discouraging membership in any employee  
07 organization by discriminating in hiring, tenure, wages, hours,  
08 or conditions of employment. However, nothing in this article  
09 precludes an agreement from containing a provision for an agency  
10 shop.
- 11 (4) Discharging or discriminating against a public employee because  
12 she or he files charges, gives testimony, or otherwise lawfully  
13 aids in the administration of this article.
- 14 (5) Refusing to bargain collectively with the certified  
15 representative.
- 16 (6) Refusing to reduce to writing or refusing to sign a bargaining  
17 agreement that has been agreed to in all respects.
- 18 (7) Refusing to process or arbitrate a grievance if required under a  
19 grievance procedure contained in a collective bargaining  
20 agreement.
- 21 (8) Directly or indirectly opposing the appropriation of funds or  
22 the enactment of legislation by the County Council to implement  
23 an agreement reached between the employer and the certified  
24 representative under this article.
- 25 (9) Engaging in a lockout of employees.
- 26 (b) Employee organizations, their agents, representatives, and persons  
27 who work for them are prohibited from any of the following:

- 01           (1) Interfering with, restraining, or coercing the employer or  
02           employees in the exercise of any rights granted under this  
03           article.
- 04           (2) Restraining, coercing, or interfering with the employer in the  
05           selection of its representative for the purposes of collective  
06           bargaining or the adjustment of grievances.
- 07           (3) Refusing to bargain collectively with the employer if the  
08           employee organization is the certified representative.
- 09           (4) Refusing to reduce to writing or refusing to sign a bargaining  
10           agreement which has been agreed to in all respects.
- 11           (5) Hindering or preventing, by threats of violence, intimidation,  
12           force, or coercion of any kind, the pursuit of any lawful work  
13           or employment by any person, public or private, or obstructing  
14           or otherwise unlawfully interfering with the entrance to or exit  
15           from any place of employment, or obstructing or unlawfully  
16           interfering with the free and uninterrupted use of public roads,  
17           streets, highways, railways, airports, or other ways of travel  
18           or conveyance by any person, public or private.
- 19           (6) Hindering or preventing by threats, intimidation, force,  
20           coercion or sabotage, the obtaining, use, or disposition of  
21           materials, supplies, equipment, or services by the employer.
- 22           (7) Taking or retaining unauthorized possession of property of the  
23           employer, or refusing to do work or use certain goods or  
24           materials as lawfully required by the employer.
- 25           (8) Causing or attempting to cause the employer to pay or deliver or  
26           agree to pay or deliver any money or other thing of value, in  
27           the nature of an exaction, for services which are neither

01 performed nor to be performed.

02 (c) A charge of prohibited practice may be filed by the employer, an  
03 employee organization, or any individual employee. The charge or  
04 charges shall be filed with the Labor Relations Administrator, and  
05 copies shall be sent to the party alleged to have committed a  
06 prohibited practice. All charges shall contain a statement of facts  
07 sufficient to enable the Labor Relations Administrator to investigate  
08 the charge. The Labor Relations Administrator may request withdrawal  
09 of and, if necessary, summarily dismiss charges if they are  
10 insufficiently supported in fact or in law to warrant a hearing. The  
11 Labor Relations Administrator has the authority to maintain whatever  
12 independent investigation she determines is necessary and to develop  
13 regulations for an independent investigation. If, upon  
14 investigation, the Labor Relations Administrator finds that a charge  
15 is sufficiently supported to raise an issue of fact or law, she  
16 shall, if she is unable to achieve settlement or resolution of the  
17 matter, hold a hearing on the charge after notification to the  
18 parties. In any hearing, charging parties shall present evidence in  
19 support of the charges, and the party or parties charged shall have  
20 the right to file an answer to the charges, to appear in person or  
21 otherwise and to present evidence in defense against the charges.

22 (d) If the Labor Relations Administrator determines that the person  
23 charged has committed a prohibited practice, she shall make findings  
24 of fact and conclusions of law and may issue an order requiring the  
25 person charged to cease and desist from the prohibited practice, and  
26 may take affirmative actions that will remedy the violation of this  
27 article. Remedies of the Labor Relations Administrator include

01 reinstating employees with or without back pay, making employees  
02 whole for any loss relating to County employment suffered as a result  
03 of any prohibited practices, or withdrawing or suspending the  
04 employee organization's authority to negotiate or continue an agency  
05 shop provision or a voluntary dues or service fee deduction  
06 provision. If the Labor Relations Administrator finds that the party  
07 charged has not committed any prohibited practices, she shall make  
08 findings of fact and conclusions of law and issue an order dismissing  
09 the charges.

- 10 (e) The Labor Relations Administrator shall not receive or entertain  
11 charges based upon an alleged prohibited practice occurring more than  
12 6 months before the filing of the charge.

13 **33-110. Expression of views.**

- 14 (a) The expression or dissemination of any views, argument, or opinion;  
15 whether orally, in writing, or otherwise, does not constitute and is  
16 not evidence of a prohibited practice under any of the provisions of  
17 this law, nor is it grounds for invalidating any election conducted  
18 under this law if the expression or dissemination does not contain a  
19 threat of reprisal or promise of benefit.

- 20 (b) Recognizing an employee organization does not preclude the County  
21 from dealing with religious, social, fraternal, professional, or  
22 other lawful associations with respect to matters or policies that  
23 involve individual members of the associations or are of particular  
24 applicability to it or its members.

25 **33-111. Strikes and lockouts.**

- 26 (a) An employee or employee organization shall not either directly or  
27 indirectly cause, instigate, encourage, condone, or engage in any

01 strike, or the employer in any lockout. An employee or employee  
02 organization shall not obstruct, impede, or restrict, either directly  
03 or indirectly, any attempt to terminate a strike.

04 (b) The employer shall not pay, reimburse, make whole, or otherwise  
05 compensate any employee for or during the period when that employee  
06 is directly or indirectly engaged in a strike, nor shall the employer  
07 thereafter compensate an employee who struck for wages or benefits  
08 lost during the strike.

09 (c) If an employee or employee organization violates the provisions of  
10 this section, the employer, after adequate notice and a fair hearing  
11 before the Labor Relations Administrator who finds that the  
12 violations have occurred and finds that any or all of the following  
13 actions are necessary in the public interest, may impose any of the  
14 following sanctions, subject to the Law-Enforcement Officers' Bill of  
15 Rights, Article 27, Sections 727-734D, Annotated Code of Maryland:

16 (1) Impose disciplinary action, including dismissal from employment,  
17 on employees engaged in the conduct.

18 (2) Terminate or suspend the employee organization's dues deduction  
19 privilege, if any.

20 (3) Revoke the certification of and disqualify the employee  
21 organization from participation in representation elections for  
22 a period up to a maximum of 2 years.

23 (d) This article does not prohibit an employer or a certified employee  
24 organization from seeking any remedy available in a court of  
25 competent jurisdiction.

26 33-112. Effect of prior enactments.

27 Any laws, executive orders, or regulations adopted by the County and any

01 department or agency of the County that are or may be considered inconsistent  
02 with the provisions of this article shall not be held to be repealed or  
03 modified until they are specifically repealed or modified by the County or any  
04 department or agency of the County.

05 **Sec. 3. Severability.**

06 If a court holds that part of this act is invalid, the invalidity does not  
07 affect other parts.

08 **Sec. 4. Effective Date.**

09 This act takes effect 91 days after it becomes law.  
10

11 Approved:  
12  
13

14 \_\_\_\_\_  
William E. Hanna, Jr., President, County Council

\_\_\_\_\_  
Date

15  
16 Approved:  
17  
18

19 \_\_\_\_\_  
Charles W. Gilchrist, County Executive

\_\_\_\_\_  
Date

20  
21  
22  
23  
24 This is a correct copy of Council action.  
25  
26

27 \_\_\_\_\_  
Kathleen A. Freedman, Secretary, County Council

\_\_\_\_\_  
Date



LEGISLATIVE REQUEST REPORT

Bill 19-86  
County Employee Collective Bargaining

DESCRIPTION:

This bill:

- (1) establishes a framework for public employer-employee labor relations;
- (2) provides the method for designating an employee organization as the exclusive representative of public employees in the appropriate unit;
- (3) provides procedures for collective bargaining of wages, hours, and other terms and conditions of employment;
- (4) provides for the appointment of a labor relations administrator;
- (5) defines the rights of employees, employee organizations, and the public employer;
- (6) prohibits certain conduct;
- (7) provides procedures for resolving differences between the public employer and employees; and
- (8) generally assures uninterrupted operation of government services.

PROBLEM:

Under Article IV of Chapter 33 (Personnel) eligible employees presently "meet and confer" with the County through their representative. However, County law does not implement the authority for collective bargaining found in the 1984 Charter amendments in §511.

GOALS AND  
OBJECTIVES:

It is the public policy of Montgomery County to promote a harmonious, peaceful, and cooperative relationship between the County government and its employees and to protect the public by assuring, at all times, the responsive, orderly, and efficient operation of County government and services.

COORDINATION:

FISCAL IMPACT: Not available.

ECONOMIC IMPACT: Not available.

EVALUATION: Not available.

EXPERIENCE  
ELSEWHERE:

Not available.

SOURCE OF  
INFORMATION:       Arthur W. Spengler  
                      Council Staff Director (251-7900)

                      William Willcox, Esq.  
                      Special Counsel (457-6100)

APPLICATION WITHIN  
MUNICIPALITIES:    Not applicable.

PENALTIES:           Not applicable.

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: One Unit Instead of Two Units

1. On page 4, strike lines 21 and 22, and substitute:

"UPON CERTIFICATION OF AN EMPLOYEE ORGANIZATION AS THE UNIT'S  
REPRESENTATIVE FOR COLLECTIVE BARGAINING, THIS ARTICLE SHALL NOT APPLY TO  
ANY PERSON."

2. On page 6, in line 17, strike "one or both units" and substitute "THE  
UNIT".
3. On page 9, in line 11, strike "either of the units defined in section  
33-105" and substitute "ALL EMPLOYEES AS DEFINED IN THIS SECTION".
4. On page 10, in line 23, strike "units" and substitute "UNIT".
5. On page 12, in line 12, strike "for which it is certified".
6. On page 12, in line 19, strike "a" and substitute "THE".
7. On page 12, in line 26, strike "Units" and substitute "UNIT".
8. On page 12, in line 27, strike "are two units" and substitute "IS ONE  
UNIT".
9. On page 13, in line 1, strike "Persons in these units are" and substitute  
"THIS UNIT IS DEFINED AS".

10. On page 13, in line 5, strike "The employees are divided into 2" and lines 6 through 27.
11. On page 14, strike lines 1 through 11.
12. On page 14, in line 12, strike "these units of representation" and substitute "THE UNIT".
13. On page 14, in line 18, strike "in one of the units" and substitute "THE UNIT".
14. On page 15, in line 7, strike "a" and substitute "THE".
15. On page 15, in line 10, after "representative of" strike "a" and substitute "THE".
16. On page 27, in line 2, strike "a" and substitute "THE".

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Majority of Unit Must Participate  
in Certification Election

1. On page 17, in line 20, after "agent" insert "PROVIDED THAT A MAJORITY OF THE ELIGIBLE EMPLOYEES VOTED IN THE ELECTION".

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: No Certification without an Election

1. On page 9, in line 17, strike "selection" and substitute "ELECTION".
2. On page 15, in line 5, strike "Selection" and substitute "ELECTION".
3. On page 18, strike lines 19 through 27.
4. On page 19, strike lines 1 through 3.

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: No Agency Shop

1. On page 5, strike line 27.
2. On page 6, strike lines 1 through 15.
3. On pages 6 through 9, renumber "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", "(10)", and "(11)" to be "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)".
4. On page 12, in line 16, strike "However, it is not a violation of this duty for a" and strike lines 17 and 18.
5. On page 12, in line 20, strike "or agency shop provisions".
6. On page 12, in line 25, strike "other than an agency shop provision".
7. On page 27, in line 8, strike "However, nothing in this article" and strike lines 9 and 10.
8. On page 30, in lines 4 and 5, strike "an agency shop provision or".

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Agency Shop for Employees with  
Less than 10 Years' Service

1. On page 6, in line 2, after "employees" add "WITH LESS THAN 10 YEARS'  
SERVICE IN THE COUNTY GOVERNMENT MERIT SYSTEM".



Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: All Pensions Non-Bargainable

1. On page 19, strike lines 14 through 18 and line 21.
2. On page 19, in line 20, after "benefits" insert a period.
3. On pages 19 and 20, renumber "(3)", "(4)", "(5)", "(6)", and "(7)" to be "(2)", "(3)", "(4)", "(5)", and "(6)".

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Advisory Grievance Arbitration in all  
Cases Except Discipline and Discharge Cases

1. On page 19, in line 26, strike ", provided that the"; strike lines 27 through 28, and substitute:

"OF DISCHARGE AND DISCIPLINE CASES;

(B) ADVISORY THIRD PARTY ARBITRATION OF OTHER CASES UNLESS THE PARTIES  
AGREE AT THE TIME A PARTICULAR CASE IS TO BE ARBITRATED THAT THE  
ARBITRATION WILL BE BINDING; AND".

2. On page 20, strike line 1.

3. On page 20, in line 2, strike "(B)" and substitute "(C)".

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Broader "Effects" Bargaining

1. On page 20, strike lines 4 through 6 and substitute:

"(7) THE EFFECT ON EMPLOYEES OF THE EMPLOYER'S EXERCISE OF THE  
RIGHTS ENUMERATED IN SUBSECTION (B) HEREOF."

Amendments to Bill 19-86  
County Employee Collective Bargaining  
Subject: Short First-Year Bargaining

1. On page 22, after line 11 insert:

(A) (1) THE EMPLOYER AND THE CERTIFIED REPRESENTATIVE SHALL UNDERTAKE BARGAINING IMMEDIATELY UPON THE CERTIFICATION OF THE REPRESENTATIVE PURSUANT TO THIS ACT. SUCH BARGAINING SHALL CONTINUE FOR NOT MORE THAN 60 DAYS. EITHER PARTY MAY REQUEST THE ASSISTANCE OF A MEDIATOR IF NO AGREEMENT HAS BEEN REACHED WITHIN 45 DAYS AFTER BARGAINING HAS BEGUN. THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT SHALL COMMENCE IMMEDIATELY UPON THE CONCLUSION OF BARGAINING, AND SHALL TERMINATE AT THE END OF THE FISCAL YEAR.

(2) THE COLLECTIVE BARGAINING AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION WILL INCLUDE NO PROVISIONS WHICH CONCERN SALARIES OR WAGES, RETIREMENT AND PENSION BENEFITS, OR WHICH REQUIRE THAT THE COUNTY COUNCIL APPROPRIATE ADDITIONAL FUNDS, OR ENACT, REPEAL, OR MODIFY ANY COUNTY LAW.

(3) THIS SUBSECTION SHALL BE IMPLEMENTED ONLY DURING AND FOR THE FISCAL YEAR IN WHICH THIS ACT BECOMES EFFECTIVE. COLLECTIVE BARGAINING FOR FUTURE FISCAL YEARS SHALL BE GOVERNED BY THE SUBSECTIONS SET FORTH HEREAFTER.

2. On pages 22 through 26, reletter "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", and "(k)" to be "(B)", "(C)", "(D)", "(E)", "(F)", "(G)", "(H)", "(I)", "(J)", "(K)", and "(L)".

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Right of Union to Veto Reappointment of Labor  
Relations Administrator, but not to Formally Nominate Appointees

1. On page 11, in line 7, strike "first".
2. On page 11, in line 9, strike "4" and substitute "5".
2. On page 11, after line 9, insert:

"HOWEVER, SHE WILL NOT BE REAPPOINTED IF, DURING THE PERIOD BETWEEN  
60 AND 30 DAYS BEFORE THE EXPIRATION OF THE TERM, THE CERTIFIED  
REPRESENTATIVE FILES A WRITTEN OBJECTION TO THE REAPPOINTMENT WITH  
THE COUNTY EXECUTIVE."

3. On page 11, strike lines 10 through 22.

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Council Participation in  
Nomination of Appointees

1. On page 11, in line 14, strike "and" and substitute a comma.
2. On page 11, in line 15, after "Officer," insert "AND THE COUNTY COUNCIL,"

Amendments to Bill 19-86  
County Employee Collective Bargaining

Subject: Continuation of State Merit System  
Employees in Meet & Confer

1. On page 4, in line 22, strike the period and insert "EXCEPT STATE MERIT  
SYSTEM EMPLOYEES WHO WERE COVERED BY IT PRIOR TO THE ENACTMENT OF ARTICLE  
VII.".

